

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JUAN LOZADA-LEONI

V.

**MONEYGRAM INTERNATIONAL,
INC., ET AL.**

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No. 4:20CV68-RWS-CMC

ORDER

The above-referenced cause of action was referred to the undersigned United States Magistrate Judge for pretrial purposes in accordance with 28 U.S.C. § 636. The following pending motions are before the Court: (1) Defendant MoneyGram International, Inc.’s Motion for Summary Judgment, and Brief in Support (Docket Entry # 83); and (2) Defendants’ Motion for Summary Judgment, and Brief in Support (Docket Entry # 109).

On October 19, 2020, the undersigned entered a 138-page Report and Recommendation, recommending Defendants’ motions for summary judgment be denied. *See* Docket Entry # 127. In the Report and Recommendation, the undersigned advised the parties that within fourteen days after service of the report, any party must serve and file specific written objections to the findings and recommendations contained in the report. On October 26, 2020, Kardell Law Group PC (“KLG”), Plaintiff Juan Lozada-Leoni’s former counsel who withdrew by Order dated April 15, 2020, filed a Motion for Leave to Intervene. Docket Entry # 128.

Two days later, Plaintiff and Defendants, Moneygram International, Inc. and Moneygram Payment Systems, Inc., filed a Joint Motion to Stay All Deadlines and Notice of Settlement, advising the Court that all matters in controversy between the parties have been settled in principle. Docket

Entry # 130. On October 29, 2020, the Court granted the Joint Motion to Stay All Deadlines and Notice of Settlement, ordering that all deadlines in the above-referenced cause of action were stayed for thirty days pending finalization of the settlement. Docket Entry # 131. The Court ordered the parties or their counsel to submit to the Court all papers necessary for the closing of this case and its removal from the active docket of the Court within thirty days from the date of entry of the Order.

On November 13, 2020, Plaintiff and proposed Intervenor KLG filed a Joint Motion for Entry of Scheduling Order Regarding Attorney Fee Dispute. Docket Entry # 132. Defendants expressed no interest in the issue. The Court granted the joint motion on November 16, 2020, ordering Plaintiff and KLG to submit briefing on the relative positions regarding the attorney fee dispute. Docket Entry # 133. Thereafter, the Court revised the pleading schedule. *See* Docket Entry #s 152, 155. The briefing is ripe for consideration.

A hearing may be helpful in resolving the disputed attorney fee issue, but such a hearing, whether via video conference or in person, has not yet been scheduled. Meanwhile, the substantive matters between Plaintiff and Defendants have been resolved, and all deadlines are stayed pending finalization of dismissal papers. As such, the summary judgment motions addressed in the October 19, 2020 Report and Recommendation technically remain pending.

Given the posture of the case, the length of time Defendants' motions have been pending, and the additional time needed to resolve the separate attorney fee issue between Plaintiff and proposed Intervenor KLG, the Court *sua sponte* **DENIES WITHOUT PREJUDICE TO REFILING** Defendants' motions for summary judgment. Neither Plaintiff nor Defendants will be prejudiced in any way by this Order.

Based on the foregoing, it is

ORDERED that Defendant MoneyGram International, Inc.'s Motion for Summary Judgment, and Brief in Support (Docket Entry # 83); and Defendants' Motion for Summary Judgment, and Brief in Support (Docket Entry # 109) are **DENIED WITHOUT PREJUDICE TO REFILING**.

SIGNED this 20th day of January, 2021.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE